

Appl. No. 10/727,272
Reply to Office Action of May 11, 2006

Attorney Docket No. 2002-0945/24061.25
Customer No. 42717

REMARKS

Claims 21-23 and 25 have been amended. Claims 2-13, 15-18, and 21-25 are currently pending in the application. Applicants have previously paid filing fees in an amount sufficient to cover all of the claims that remain pending after entry of the foregoing claim amendments, and thus no additional filing fee is due in association with the submission of this Amendment. In view of the foregoing amendments, and the remarks that follow, Applicants respectfully request reconsideration.

Withdrawal of Election/Restriction Requirement

Noted with appreciation is the fact that the prior election/restriction requirement has been withdrawn, and that all of the pending claims have been considered.

Claim Objections

The Office Action objected to Claims 16, 23 and 24. However, these objections are respectfully traversed, for the following reasons.

Claim 16 depends from independent Claim 15. The Office Action asserted that Claim 16 is not consistent with Claim 15, and fails to further limit Claim 15, on the theory that the range of 65-150 rpm recited in Claim 16 is not entirely within the range of 75-200 rpm recited in Claim 15. Similarly, Claim 23 depends from independent Claim 21. The Office Action asserted that Claim 23 is not consistent with Claim 21, and fails to further limit Claim 21, on the theory that the range of 65-150 rpm recited in Claim 23 is not entirely within the range of 75-200 rpm recited in Claim 21.

However, it is respectfully submitted that there is no inconsistency. In particular, Claim 15 recites the speed of the polishing head, whereas Claim 16 recites the speed of the polishing platen. Similarly, Claim 21 recites the speed of the polishing head, whereas Claim 23 recites the speed of the polishing platen. Claims 16 and 23 are thus entirely proper. And since

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the objection to Claim 24 is due solely to its dependency from Claim 23, Claim 24 is proper because Claim 23 is proper.

Due to the asserted problems in Claims 16 and 23-24, the Office Action states that "Claims 16, 23 and 24 will not be treated further on the merits". But since Claims 16 and 23-24 are actually each in proper form (as discussed above), it is respectfully submitted that Applicants were entitled to have Claims 16 and 23-24 considered on the merits. To the extent that the Office Action failed to do so, it is respectfully submitted that the Office Action is not complete. Consequently, it is respectfully submitted that Applicants are entitled to receive a replacement office action that is non-final, and that considers Claims 16 and 23-24 on the merits.

Allowable Subject Matter

Noted with appreciation is the indication in the Office Action that Claims 2-13, 15 and 17-18 have been allowed.

Also noted with appreciation is the indication that dependent Claim 25 recites allowable subject matter, and would be allowed if rewritten in independent form. The foregoing amendments add to Claim 25 the limitations of independent Claim 21, in order to place Claim 25 in independent form, without any change to the scope thereof. Claim 25 should thus now be allowable, and notice to that effect is respectfully requested.

Claim 21 has been amended so that Claims 21 and 23-24 each depend from allowed Claim 17. Claims 21 and 23-24 should thus now be allowable with Claim 17. Claim 22 has been amended so that it depends from allowed Claim 15. Claim 22 should thus now be allowable with Claim 15.

Comment on Statement of Reasons for Allowance

On page 3, the Examiner offers a statement of reasons why independent Claims 15 and 17 are considered to recite allowable subject matter. Applicants agree that Claims 15 and 17 recite allowable subject matter. However, Applicants do not agree in all respects with the stated

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reasons. For example, Applicants do not agree with the stated reasons to the extent that they attempt to paraphrase claimed subject matter using terminology and/or language that differs in some respects from the specific terminology and language selected for use in Applicants' claims. Applicants believe that the scope and interpretation of the claims should be centered around the terminology and language of the claims themselves, rather than language selected by the Examiner to attempt to paraphrase the claims. In addition, Applicants believe that the stated reasons should not be interpreted to mean that they are the only reasons supporting the allowability of Claims 15 and 17, and that there are no other reasons that separately and independently support the allowability of these two claims, or the claims that depend from them.

Conclusion

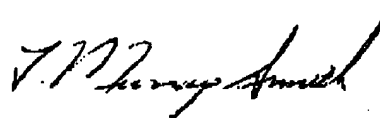
Based on the foregoing, it is respectfully submitted that all of the pending claims are fully allowable, and it is therefore respectfully requested that this application be promptly allowed and passed to issue. If the Examiner believes that there are any remaining issues, the Examiner is invited to telephone the undersigned attorney at 972-739-8647, so that any such issues can be promptly resolved.

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Although Applicants believe that no additional fees are due, the Commissioner is hereby authorized to charge any fees required by this paper, or to credit any overpayment, to Deposit Account No. 08-1394 of Haynes and Boone, LLP.

Respectfully submitted,



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Date: October 2, 2006

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Enclosures: None

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